

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RICHARD L. HARTMAN, MARY M. HARTMAN,  
and ROY P. MASSENA

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Appeal No. 2002-0362  
Application No. 09/054,339

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ON BRIEF

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Before JERRY SMITH, LEVY, and SAADAT, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

ON REQUEST FOR HEARING

Appellants filed a Request for Rehearing on May 29, 2003 requesting that we reconsider our decision of May 9, 2003 wherein we affirmed the examiner's rejection of claims 64-79 as unpatentable under 35 U.S.C. § 103.

On June 12, 2003 appellants filed a Request for Continued Examination (RCE) including a preliminary amendment. The RCE requests that this application be withdrawn from appeal

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proceedings and transferred to the examiner (RCE, page 10).

In view of the RCE, the following determinations are made:

1. This application is withdrawn from appeal.
2. The Request for Rehearing is DISMISSED as moot.
3. This application will be returned to the examiner for processing of the RCE.

REHEARING DISMISSED AND  
APPLICATION RETURNED TO EXAMINER

JERRY SMITH	)	
Administrative Patent Judge	)	
	)	
	)	
STUART S. LEVY	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
MAHSHID D. SAADAT	)	
Administrative Patent Judge	)	

JS:hh

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